

**Assembly Joint Resolution**

**No. 51**

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**Introduced by Assembly Member Nava**

March 10, 2008

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Assembly Joint Resolution No. 51—Relative to the REAL ID Act of 2005.

LEGISLATIVE COUNSEL’S DIGEST

AJR 51, as introduced, Nava. REAL ID Act of 2005: implementation.

This measure would urge the California Congressional delegation to support measures to repeal the REAL ID Act of 2005 or to at least delay its implementation until such time as its costs are federally funded and amendments are made to reduce its costs and administrative burdens on the states and to preserve essential states’ rights and the civil rights and liberties of American drivers.

Fiscal committee: yes.

- 1 WHEREAS, In May 2005, the Congress of the United States  
2 passed the REAL ID Act of 2005 (REAL ID) as part of the  
3 Emergency Supplemental Appropriations Act for Defense, the  
4 Global War on Terror, and Tsunami Relief Act, 2005 (Public Law  
5 109-13), which was signed into law on May 11, 2005, and which  
6 becomes fully effective on May 11, 2008; and  
7 WHEREAS, REAL ID was passed without sufficient deliberation  
8 by Congress and never received a hearing by any congressional  
9 committee or any vote solely on its own merits; and  
10 WHEREAS, REAL ID prohibits, by 2014, federal agencies and  
11 federally regulated commercial aircrafts from accepting a driver’s

1 license or identification card issued by a state that has not fully  
2 complied with REAL ID; and

3 WHEREAS, REAL ID will be a costly unfunded mandate on  
4 the state, with the National Governors' Association, the National  
5 Conference of State Legislators, and the American Association of  
6 Motor Vehicle Administrators estimating that REAL ID will cost  
7 at least \$11 billion nationally over the next five years; and

8 WHEREAS, Implementation of REAL ID could cost the State  
9 of California in the neighborhood of \$500 million at a time when  
10 the state is grappling with an estimated \$14 billion budget deficit;  
11 and

12 WHEREAS, REAL ID will effectively reverse the state's efforts  
13 to reduce licensees' interactions with the California Department  
14 of Motor Vehicles, because its complex verification process will  
15 preclude renewals by mail or via the Internet; and

16 WHEREAS, REAL ID will thus likely place enormous burdens  
17 on consumers seeking a new or, a renewal of their, driver's license,  
18 including longer lines, higher costs, and increased document  
19 requests and waiting periods; and

20 WHEREAS, California, under the Tenth Amendment to the  
21 Constitution of the United States, has always exercised its exclusive  
22 power to establish standards and regulations for the issuance of  
23 California state driver's licenses and California state identification  
24 cards; and

25 WHEREAS, REAL ID wrongly coerces states into doing the  
26 federal government's bidding by threatening to refuse to the  
27 citizens of noncomplying states the privileges and immunities  
28 enjoyed by the citizens of other states; and

29 WHEREAS, REAL ID mandates that California link parts of  
30 its database to the departments of motor vehicles of all other states,  
31 in effect creating a single shared national database containing  
32 information on every American driver that exposes every state to  
33 the information security weaknesses of every other state and  
34 threatens the privacy of every American; and

35 WHEREAS, The Federal Trade Commission estimates that 10  
36 million Americans are victims of identity theft annually and these  
37 thieves are increasingly targeting motor vehicle departments, and  
38 REAL ID could facilitate the crime of identity theft by making the  
39 personal information of all Americans including name, date of  
40 birth, gender, driver's license or identification card number, digital

1 photograph, address, and signature accessible from tens of  
2 thousands of locations; and

3 WHEREAS, The “common machine-readable technology”  
4 required by REAL ID could convert state-issued driver licenses  
5 and identification cards into tracking devices, allowing computers  
6 to note and record a person’s whereabouts each time he or she is  
7 identified; and

8 WHEREAS, At least 17 other states have passed legislation  
9 that, to one degree or another, opposes the implementation of  
10 REAL ID; and

11 WHEREAS, More than 600 organizations opposed the passage  
12 of REAL ID; and

13 WHEREAS, The federal government has failed to show any  
14 measurable evidence that the implementation of REAL ID will  
15 make our borders more secure and better protect our citizens from  
16 terrorism; now, therefore, be it

17 *Resolved by the Assembly and the Senate of the State of*  
18 *California, jointly*, That the Legislature of the State of California  
19 supports the government of the United States in its campaign  
20 against terrorism and affirms the commitment of the United States  
21 that the campaign not be waged at the expense of states’ rights or  
22 the essential civil rights or liberties of residents of this country that  
23 are protected under the United States Constitution and the Bill of  
24 Rights; and be it further

25 *Resolved*, That the Legislature urges the California  
26 Congressional delegation to support measures to repeal REAL ID  
27 or at least to delay its implementation until such time as its  
28 implementation costs are federally funded and amendments are  
29 made to reduce its costs and administrative burdens on the state  
30 and to preserve essential states’ rights and the civil rights and  
31 liberties of American drivers; and be it further

32 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
33 of this resolution to the President and Vice President of the United  
34 States, the Speaker of the House of Representatives, the Majority  
35 Leader of the Senate, each Senator and Representative from  
36 California in the Congress of the United States, the Attorney  
37 General of the United States Department of Justice, and the  
38 Governor of California.

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